

REFERENCE TITLE: salvage certificates of title

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2523

Introduced by
Representatives Gorman, Pearce, Senator Martin: Representatives Boone,
Brown, Konopnicki, Nelson, Quelland, Senators Allen, Blendu, Verschoor

AN ACT

AMENDING TITLE 28, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-2098; RELATING TO SALVAGE CERTIFICATES OF TITLE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 7, article 3, Arizona Revised Statutes,
3 is amended by adding section 28-2098, to read:

4 28-2098. Exemption from salvage certificate of title; licensee
5 ownership transfers; requirements; retail sales;
6 violation; classification; definitions

7 A. A DEALER OR AUTOMOTIVE RECYCLER WHO OWNS A VEHICLE THAT IS
8 UNECONOMICAL TO REPAIR IS EXEMPT FROM APPLYING FOR A SALVAGE CERTIFICATE OF
9 TITLE AS PRESCRIBED IN SECTION 28-2091 IF ALL OF THE FOLLOWING APPLY:

10 1. THE SELLING DEALER OR AUTOMOTIVE RECYCLER IS TRANSFERRING OWNERSHIP
11 OF THE VEHICLE TO ANOTHER DEALER OR AUTOMOTIVE RECYCLER.

12 2. THE PURCHASING DEALER OR AUTOMOTIVE RECYCLER PROVIDES EVIDENCE
13 SATISFACTORY TO THE SELLING DEALER OR AUTOMOTIVE RECYCLER THAT THE PURCHASING
14 DEALER OR AUTOMOTIVE RECYCLER HOLDS A VALID LICENSE ISSUED PURSUANT TO
15 CHAPTER 10 OF THIS TITLE.

16 3. THE SELLING DEALER OR AUTOMOTIVE RECYCLER RETAINS THE INFORMATION
17 REQUIRED IN PARAGRAPH 2 OF THIS SUBSECTION FOR A PERIOD OF AT LEAST THREE
18 YEARS AFTER THE DATE OF OWNERSHIP TRANSFER AND MAKES THE INFORMATION
19 AVAILABLE TO ANY CERTIFIED PEACE OFFICER DURING REASONABLE BUSINESS HOURS.

20 B. A DEALER OR AUTOMOTIVE RECYCLER POSSESSING A VEHICLE OBTAINED
21 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL NOT OFFER THE VEHICLE FOR SALE
22 TO A RETAIL CONSUMER UNLESS ONE OF THE FOLLOWING APPLIES:

23 1. THE DEALER OR AUTOMOTIVE RECYCLER CERTIFIES THAT THE VEHICLE IS NOT
24 A SALVAGE VEHICLE OR NONREPAIRABLE VEHICLE AS DEFINED IN SECTION 28-2091 AND
25 THAT THE VEHICLE MEETS THE IMPLIED WARRANTY OF MERCHANTABILITY STANDARD
26 PRESCRIBED IN SECTION 44-1267, SUBSECTION C.

27 2. THE DEALER OR AUTOMOTIVE RECYCLER OBTAINS A SALVAGE CERTIFICATE OF
28 TITLE OR A NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE AS PRESCRIBED IN
29 SECTION 28-2091.

30 3. THE DEALER OR AUTOMOTIVE RECYCLER OBTAINS A RESTORED SALVAGE
31 CERTIFICATE OF TITLE AS PRESCRIBED IN SECTION 28-2095.

32 C. THIS SECTION SHALL NOT BE CONSTRUED TO RELIEVE A DEALER OR
33 AUTOMOTIVE RECYCLER OF ANY RESPONSIBILITIES OR REQUIREMENTS IMPOSED BY
34 CHAPTER 10 OF THIS TITLE OR SECTION 44-1267.

35 D. CERTIFICATIONS MADE BY A DEALER OR AUTOMOTIVE RECYCLER PURSUANT TO
36 SUBSECTION B, PARAGRAPH 1 OF THIS SECTION SHALL BE MAINTAINED AS PART OF THE
37 RECORDS OF THE DEALER OR AUTOMOTIVE RECYCLER AS PRESCRIBED BY SECTION 28-4403
38 AND ARE SUBJECT TO INSPECTION BY A CERTIFIED PEACE OFFICER DURING REASONABLE
39 BUSINESS HOURS.

40 E. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
41 MISDEMEANOR.

42 F. FOR THE PURPOSES OF THIS SECTION:

43 1. "AUTOMOTIVE RECYCLER" MEANS A PERSON WHO IS LICENSED AS AN
44 AUTOMOTIVE RECYCLER PURSUANT TO CHAPTER 10 OF THIS TITLE.

45 2. "DEALER" MEANS A PERSON WHO IS LICENSED AS A MOTOR VEHICLE DEALER
46 PURSUANT TO CHAPTER 10 OF THIS TITLE.